

House Bill No. 98.	Garland	McMurry
House Bill No. 738.	Gilmer	Manford
House Bill No. 332.	Goodman	Manning
House Bill No. 875.	Halsey	Markle
House Bill No. 263.	Hanna	Martin
House Bill No. 431.	Hardeman	Matthews
House Bill No. 494.	Hargis	Montgomery
House Bill No. 76.	Harris of Dallas	Moore
House Concurrent Resolution No. 131.	Harris of Hill	Morgan
House Concurrent Resolution No. 142.	Hartzog	Morris
House Concurrent Resolution No. 114.	Heflin	Morse
House Concurrent Resolution No. 141.	Helpinstill	Murray
House Concurrent Resolution No. 146.	Henderson	Nicholson
	Hileman	Pace
	Hobbs	Parker
	Howard	Pevehouse
	Howington	Phillips
	Hoyo	Price
	Huddleston	Rampy
	Huffman	Reed of Bowie
	Hughes	Reed of Dallas
	Humphrey	Ridgeway
	Hutchinson	Rhodes
	Isaacks	Roark
	Jones	Roberts
	Kelly	Sallas
	Kennedy	Senterfitt
	Kinard	Shell
	King	Simpson
	Klingeman	Skiles
	Knight	Smith of Bastrop
	Lansberry	Smith of Atascosa
	Lehman	Spacek
	Leyendecker	Stanford
	Little	Stinson
	Lock	Stubbs
	Love	Taylor
	Lowry	Turner
	Lucas	Vale
	Lyle	Walters
	McAlister	Wattner
	McCann	Weatherford
	McDonald	White
	McGlasson	Whitesides
	McLellan	Winfree

## SEVENTY-FIFTH DAY

(Tuesday, May 20, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Clark
Allen	Cleveland
Allison	Coker
Alsup	Colson, Mrs.
Avant	Connelly
Bailey	Craig
Baker	Crossley
Bean	Crothwait
Benton	Daniel
Blankenship	Davis
Boone	Deen
Brawner	Dickson of Bexar
Bray	Dickson of Nolan
Bridgers	Donald
Brown	Dove
Bruhl	Duckett
Bullock	Ellis
Bundy	Eubank
Burkett	Evans
Burnaman	Favors
Carlton	Ferguson
Carrington	Files
Cato	Fitzgerald
Celaya	Fuchs
Chambers	Gandy

## Absent—Excused

Anderson	Mills
Bell	Sharpe
Dwyer	Spangler
Kersey	Thornton
McNamara	Voigt

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, as we stand before Thee in a special sense just now, we feel the need of understanding in all that we do. Because we are human we need Thee to lead

on and to restrain, and to help us to sift the wheat from the chaff. The Lord make these precious days to be significant and fruitful in every good way; and with us bless every department of our government. In Jesus' name. Amen."

#### LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Spangler and Mr. McNamara for today, on motion of Mr. Leyendecker.

Mr. Mills for today, on motion of Mr. Brawner.

Mr. Anderson and Mr. Dwyer for today, on motion of Mr. Winfree.

Mr. Kersey for today, on motion of Mr. Carlton.

Mr. Voigt for today, on motion of Mr. Halsey.

Mr. Sharpe for today, on motion of Mr. Roark.

#### RELATIVE TO THE TRANSFER OF CERTAIN BOOKCASES

Mr. Stanford offered the following resolution:

H. C. R. No. 149, Relative to the Transfer of Certain Bookcases to the Court of Civil Appeals for the Fourth Judicial District.

Proposing that the Court of Civil Appeals for the Fourth Judicial District of Texas shall be authorized to transfer to the Attorney General's Department eighty-three (83) wooden bookcases, with bases and tops, and further authorizing the Comptroller to credit the sum of One Hundred Dollars (\$100) to the account of the said Court of Civil Appeals and to debit the Attorney General's Department with the sum of One Hundred Dollars (\$100).

Be it resolved by the House of Representatives, the Senate concurring:

Whereas, The Court of Civil Appeals for the Fourth Supreme Judicial District of Texas, located at San Antonio, Texas, has on hand eighty-

three (83) wood sectional bookcases, with bases and tops, for which it has no use; and

Whereas, The Attorney General's Department of the State of Texas is in need of such bookcases; and

Whereas, The sum of One Hundred Dollars (\$100.00) is a fair valuation to be placed upon said bookcases; now, therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the Court of Civil Appeals for the Fourth Supreme Judicial District of Texas, located at San Antonio, Texas, shall be authorized to transfer and deliver to the Attorney General's Department at Austin eighty-three (83) wooden sectional bookcases, with bases and tops, and the Comptroller of the State of Texas shall be authorized to credit to the account of the Court of Civil Appeals for the Fourth Supreme Judicial District of Texas the sum of One Hundred Dollars (\$100.00) and to debit the account of the Attorney General's Department with the sum of One Hundred Dollars (\$100.00).

STANFORD,  
CARRINGTON.

The resolution was read second time and was adopted.

#### AUTHORIZING THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

Mr. King offered the following resolution:

H. C. R. No. 150, Authorizing the Loan of Certain Highway Equipment.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in their warehouse in Haskell, Haskell County, Texas; and

Whereas, The Carney Independent School District anticipates a large number of people attending their recreational center; and

Whereas, It will be necessary and important to said Carney Independent School District to fence the grounds of the park and recreational center; and

Whereas, It will be a great accommodation to such Carney Inde-

pendent School District, if said highway department permitted said Carney Independent School District the use of the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the State Highway Department of Texas be authorized to loan to the Carney Independent School District, sufficient quantities of the discarded wire hereinabove mentioned for the purpose as hereinabove set out, said Carney Independent School District to return wire upon request of the State Highway Department, and it is so resolved.

The resolution was read second time and was adopted.

#### TO URGE THAT FUTURE LEGISLATURES COOPERATE WITH AUSTIN CITIZENS

Mr. Stinson offered the following resolution:

H. S. R. No. 273, To Urge that Future Legislatures further Cooperate with Austin Citizens.

Whereas, The City of Austin belongs to the whole State of Texas; and

Whereas, The citizens of Austin and the Austin Chamber of Commerce have been showing through the recent session of the 47th Legislature a very unselfish desire to serve the State of Texas in many ways; and

Whereas, The Members of the 47th Legislature have a better understanding of the needs of the State and the importance of a closer correlation of the interest and activities of the citizens of Austin and the Members of the Legislature;

Therefore be it resolved, That the 47th Legislature approve of this closer coordination of the activities of the Austin citizens and of the Legislature and urge future Legislatures to intensify their interest and activities along these lines for which the basis has already been laid.

STINSON,  
LOWRY,  
HARTZOG,  
GOODMAN,  
NICHOLSON,  
McNAMARA.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Deen, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

#### RELATIVE TO EMPLOYEES OF THE HOUSE

Mr. Burkett offered the following resolution:

H. S. R. No. 266, Relative to employees of the House.

Whereas, The major portion of the standing committees of the House have completed most of their labors, and

Whereas, This is causing a large number of unnecessary employees, and

Whereas, The first 120 days of this Regular Session has expired, and

Whereas, If these unnecessary employees were not on the pay roll it would not be necessary to make another large appropriation to pay them; now, therefore,

Be It Resolved That the Speaker be authorized and directed to dispense with the services of such as he deems advisable.

BURKETT,  
CROSSLEY,  
KING,  
HOWINGTON,  
BENTON.

The resolution was read second time.

Mr. Lyle moved to refer the resolution to the Committee on State Affairs.

Mr. Burkett moved to table the motion to refer.

The motion to table was lost.

Question then recurring on the motion to refer the resolution to the Committee on State Affairs, it prevailed.

#### TO PROVIDE FOR THE EXCHANGE OF CERTAIN FLAGS

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 48, To provide for the exchange of certain flags.

Whereas, There exists between the Government of the Republic of Mexico and the Governments of the United States of America and of the State of Texas, a spirit of mutual understanding and amity; and

Whereas, it is the desire of the Senate of the State of Texas, the House of Representatives concurring, to promote, foster, nurture, and maintain this spirit of friendship with our sister Republic to the South, and to establish precepts and examples whereby the good neighbor ideal promulgated by the President of the United States of America may be-

come a living and enduring policy of our Government; and

Whereas, The people of the State of Texas, being mindful of regrettable misunderstandings of the past which placed a cloud upon our relations, rejoice in the fraternity of Nations which has been established between us, the cordiality of our intercourse and the multitude of blessings derived from the establishment of friendly reciprocity; and

Whereas, In other generations, the people of the Republic of Mexico and the people of the State of Texas did not enjoy these blessings of fidelity and trust which are now our heritage; and

Whereas, During that dark period of our history when the "Four Horsemen" rode between us, the Gods of War decreed that we should be enemies rather than friends, and directed our armies into the field—granting victories to the armies of the Republic, and granting victories to the armies of Texas; and

Whereas, The army of the Republic of Mexico was the victor of the Battle of the Alamo, and as victor, captured the Texas battle flag which floated over the sacred Mission of the Alamo and delivered this flag to the proper authorities of the Republic of Mexico as a trophy of war, and it now reposes in the National Museum in the City of Mexico; and the army of the Republic of Texas was the victor of the Battle of San Jacinto, and as victor, captured the battle flag of General Antonio Lopez de Santa Anna, and this flag now reposes as a trophy of war in the Museum in the City of Austin; and

Whereas, It is the desire of the Senate of Texas and the House of Representatives that these flags no longer be reminders of a conflict which once existed between us, but rather that they should become monuments to a firm and continuing friendship; and

Whereas, It is the desire of all free men who love liberty and the pursuit of happiness, and who cherish the ideals of Democratic Government, that the Democracies of the World should evidence the solidarity of our friendship and our unity of purpose to remain free and independent, and to preserve for our children and our children's children the fruits and the

blessings of the Democratic way of life; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That the Mexican battle flag, captured by General Sam Houston at the battle of San Jacinto be returned to the Government of the Republic of Mexico, in exchange for the battle flag of the Alamo, captured by General Antonio Lopez de Santa Anna, at appropriate ceremonies to be held at such time and place as may be agreed upon by representatives of the Government of the State of Texas and representatives of the Government of the Republic of Mexico; and, be it further

Resolved, That the President of the Senate shall appoint a Committee of five Members of the Senate, the Lieutenant-Governor to be the sixth Member, and the Speaker of the House of Representatives shall appoint a Committee of five Members of the House, the Speaker to be the sixth Member of said Committee, to arrange, on the part of the State of Texas, for the exchange of these historic flags; and, be it further

Resolved, That the expenses of this Committee, in arranging for this exchange of flags, and in going to and from and attending ceremonies and meetings of the Committee, and the expense of repairing and restoring the Mexican flag, shall be borne by and paid out of the appropriations for mileage and per diem and contingent expenses of the 47th Legislature, upon sworn account of the persons entitled to such pay, when approved by the Chairman of the said Committee; and sufficient money is hereby appropriated out of said fund to meet the payment of such per diem and expenses of the Members of said Committee; and, be it further

Resolved, That his Excellency, Manuel Avila Camacho, President of the Republic of Mexico be, and his Excellency is hereby, respectfully petitioned to lend his good offices to accomplish the fulfillment of this solemn purpose; and, be it further

Resolved, That a copy of this Resolution be delivered to his Excellency, Manuel Avila Camacho, President of the Republic of Mexico, and to the Honorable Josephus Daniels, Ambassador of the United States of America to the Republic of Mexico.

The resolution was read second time.

On motion of Mr. Howard, the resolution was referred to the Committee on State Affairs.

TO RECOMMEND THE CANDIDACY  
 OF MR. JOHN C. WILLIAMS  
 FOR U. S. SENATE

Mr. Bray offered the following resolution:

H. S. R. No. 277, To recommend the candidacy of Mr. John C. Williams for U. S. Senate.

Whereas, God in his infinite wisdom has called out of this life our beloved fellow Texan, the distinguished Senator Morris Sheppard; and

Whereas, America is confronted by the most urgent crisis in its entire history, and is desperately striving to make itself the arsenal of democracy, and to rearm against the deadly threat of totalitarian menace from abroad; and

Whereas, Continued strikes and labor violence, now involving more than a half million men who are idle in vital defense industries, threaten the security and the continued existence of this Republic; and

Whereas, Our great President, Franklin Delano Roosevelt, has publicly urged that the Federal Government assume the entire burden of old age pensions and other social security payments; and

Whereas, In these perilous times, Texas, as the nation's greatest Democratic State, desperately needs as its junior senator in the United States Senate a seasoned and fearless statesman, who can command national respect and attention; now

Therefore Be It Resolved, That the House of Representatives of the Forty-seventh Legislature hereby go on record as respectfully requesting that Mr. John C. Williams seek the vacancy in the United States Senate caused by the death of the Honorable Morris Sheppard; and thereby make his services available to Texas and America in a national capacity, in this hour of national peril from within and without; and

Be It Further Resolved, That a copy of this resolution be presented to Mr. John C. Williams.

The resolution was read second time.

Mr. Lucas raised a point of order on further consideration of the resolution at this time, on the ground that the time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Bean moved to suspend the Rules relative to the consideration of resolutions until the resolution is disposed of.

The motion was lost by the following vote:

## Yeas—17

Bell	Lowry
Benton	McAlister
Bruhl	Markle
Carlton	Roberts
Clark	Sallas
Hughes	Spacek
Kelly	Taylor
Lansberry	Thornton
Little	

## Nays—99

Allison	Fitzgerald
Alsup	Fuchs
Avant	Gandy
Bailey	Gilmer
Blankenship	Goodman
Boone	Halsey
Browner	Hanna
Bridgers	Hargis
Brown	Harris of Dallas
Bullock	Helpinstill
Burnaman	Henderson
Carrington	Hileman
Cato	Hobbs
Celaya	Howard
Chambers	Howington
Cleveland	Hoyo
Coker	Huffman
Colson, Mrs.	Humphrey
Connelly	Hutchinson
Crossley	Jones
Daniel	Kennedy
Davis	Kinard
Deen	King
Dickson of Bexar	Klingeman
Donald	Knight
Dove	Lehman
Duckett	Leyendecker
Ellis	Lock
Eubank	Love
Evans	Lucas
Favors	McCann
Ferguson	McDonald

McGlasson	Reed of Bowie
McLellan	Reed of Dallas
McMurry	Ridgeway
McNamara	Rhodes
Manning	Shell
Martin	Simpson
Matthews	Skiles
Montgomery	Smith of Bastrop
Moore	Smith of Atascosa
Morgan	Stanford
Morse	Stubbs
Murray	Turner
Nicholson	Vale
Pace	Wattner
Parker	Weatherford
Pevehouse	White
Phillips	Whitesides
Rampy	

## Present—Not Voting

Bray

## Absent

Allen	Heflin
Baker	Huddleston
Bean	Isaacks
Bundy	Lyle
Burkett	Manford
Craig	Morris
Crosthwait	Price
Dickson of Nolan	Roark
Files	Senterfitt
Garland	Stinson
Hardeman	Walters
Harris of Hill	Winfree
Hartzog	

## Absent—Excused

Anderson	Sharpe
Dwyer	Spangler
Kersey	Voigt
Mills	

TO PROVIDE FOR ADJOURNMENT  
SINE DIE

Mr. Lyle offered the following resolution:

H. C. R. No. 153, To provide for Adjournment Sine Die.

Whereas, The time is at hand when anything can and has happened.

Be it resolved by the House of Representatives of the 47th Legislature, the Senate concurring, That this, the 47th Legislature do adjourn sine die at 7 p. m. the 30th day of May, 1941.

The resolution was read second time.

Mr. Isaacks raised a point of order on further consideration of the resolution at this time, on the ground that the resolution is out of order in that the House has previously adopted a resolution setting the date of recess and that same is out of order until the Senate has taken action on the recess resolution.

The Speaker overruled the point of order.

Mr. Reed of Dallas moved to lay the resolution on the table subject to call.

Mr. Manning moved to table the resolution.

The motion to table prevailed.

#### MEMORIALIZING CONGRESS IN REGARD TO RAIL TRANSPORTATION

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 59, Memorializing Congress in regard to rail transportation.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was adopted.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

H. C. R. No. 116, To grant N. D. Lenamond permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted by the following vote:

#### Yeas—118

Allen	Huffman
Allison	Hughes
Alsup	Humphrey
Avant	Hutchinson
Bailey	Isaacks
Baker	Jones
Bell	Kelly
Benton	Kennedy
Blankenship	Kinard
Brawner	Klingeman
Bray	Knight
Bridgers	Lehman
Brown	Leyendecker
Bruhl	Little
Bullock	Lock
Bundy	Love
Burkett	Lowry
Burnaman	Lucas
Carlton	Lyle
Carrington	McGlasson
Cato	McLellan
Celaya	Manford
Chambers	Manning
Cleveland	Markle
Coker	Martin
Colson, Mrs.	Matthews
Connelly	Moore
Craig	Morgan
Crossley	Morris
Crosthwait	Morse
Daniel	Nicholson
Davis	Pace
Deen	Parker
Dickson of Bexar	Pevehouse
Donald	Phillips
Dove	Price
Duckett	Rampy
Ellis	Reed of Bowie
Eubank	Reed of Dallas
Evans	Ridgeway
Favors	Rhodes
Ferguson	Roark
Files	Roberts
Fitzgerald	Senterfitt
Fuchs	Simpson
Gandy	Skiles
Gilmer	Smith of Bastrop
Goodman	Smith of Atascosa
Halsey	Spacek
Hanna	Stanford
Hargis	Stubbs
Harris of Dallas	Taylor
Hartzog	Thornton
Helpinstill	Turner
Henderson	Vale
Hobbs	Walters
Howard	Wattner
Howington	Weatherford
Hoyo	Whitesides

Present—Not Voting

Harris of Hill

**Absent**

Bean	McAlister
Boone	McCann
Clark	McDonald
Dickson of Nolan	McMurry
Garland	Montgomery
Hardeman	Murray
Heflin	Sallas
Hileman	Shell
Huddleston	Stinson
King	White
Lansberry	Winfree

**Absent—Excused**

Anderson	Mills
Dwyer	Sharpe
Kersey	Spangler
McNamara	Voigt

**TO GRANT PERMISSION TO SUE  
THE STATE**

The Speaker laid before the House, for consideration at this time, the following resolution:

H. C. R. No. 117, To grant William Trakas permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted by the following vote:

**Yeas—117**

Allen	Cato
Allison	Celaya
Alsup	Chambers
Avant	Cleveland
Bailey	Coker
Baker	Colson, Mrs.
Bell	Connelly
Benton	Craig
Blankenship	Crossley
Brawner	Crothwait
Bray	Daniel
Bridgers	Davis
Brown	Deen
Bruhl	Dickson of Bexar
Bullock	Donald
Bundy	Dove
Burkett	Duckett
Burnaman	Ellis
Carlton	Eubank
Carrington	Evans

**Favors**

Ferguson  
Files  
Fitzgerald  
Fuchs  
Gandy  
Gilmer  
Goodman  
Halsey  
Hanna  
Hargis  
Harris of Dallas  
Hartzog  
Helpinstill  
Henderson  
Hobbs  
Howard  
Howington  
Hoyo  
Huffman  
Hughes  
Humphrey  
Hutchinson  
Isaacks  
Jones  
Kelly  
Kennedy  
Kinard  
Klingeman  
Knight  
Lehman  
Leyendecker  
Little  
Lock  
Love  
Lowry  
Lucas  
Lyle  
McGlasson

**McLellan**

Manford  
Manning  
Markle  
Martin  
Matthews  
Moore  
Morgan  
Morris  
Morse  
Nicholson  
Pace  
Parker  
Pevehouse  
Phillips  
Price  
Rampy  
Reed of Bowie  
Reed of Dallas  
Ridgeway  
Rhodes  
Roark  
Roberts  
Senterfitt  
Simpson  
Skiles  
Smith of Bastrop  
Smith of Atascosa  
Spacek  
Stanford  
Stubbs  
Taylor  
Thornton  
Turner  
Walters  
Wattner  
Weatherford  
Whitesides

**Present—Not Voting**

Harris of Hill

**Absent**

Bean	McCann
Boone	McDonald
Clark	McMurry
Dickson of Nolan	Montgomery
Garland	Murray
Hardeman	Sallas
Heflin	Shell
Hileman	Vale
Huddleston	Stinson
King	White
Lansberry	Winfree
McAlister	

**Absent—Excused**

Anderson	Mills
Dwyer	Sharpe
Kersey	Spangler
McNamara	Voigt



# TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

H. C. R. No. 124, To grant R. W. Dillard and wife permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted by the following vote:

Yeas—116

Allen	Ferguson
Allison	Files
Alsup	Fitzgerald
Avant	Fuchs
Bailey	Gilmer
Bell	Halsey
Benton	Hanna
Blankenship	Hargis
Brawner	Harris of Dallas
Bray	Hartzog
Bridgers	Helpinstill
Brown	Henderson
Bruhl	Hileman
Bullock	Howard
Bundy	Howington
Burkett	Hoyo
Burnaman	Huffman
Carlton	Hughes
Carrington	Humphrey
Cato	Hutchinson
Celaya	Jones
Chambers	Kelly
Clark	Kennedy
Cleveland	Kinard
Coker	Klingeman
Colson, Mrs.	Knight
Connelly	Lehman
Craig	Leyendecker
Crossley	Little
Crosthwait	Lock
Daniel	Love
Davis	Lowry
Deen	Lucas
Dickson of Bexar	Lyle
Donald	McCann
Dove	McGlasson
Duckett	McLellan
Ellis	McMurry
Eubank	Manford
Evans	Markle

Martin	Roberts
Matthews	Senterfitt
Moore	Simpson
Morgan	Skiles
Morris	Smith of Bastrop
Morse	Smith of Atascosa
Nicholson	Spacek
Pace	Stanford
Parker	Stinson
Pevehouse	Stubbs
Phillips	Taylor
Price	Thornton
Rampy	Turner
Reed of Bowie	Walters
Reed of Dallas	Wattner
Ridgeway	Weatherford
Rhodes	White
Roark	Whitesides

## Absent

Baker	Isaacks
Bean	King
Boone	Lansberry
Dickson of Nolan	McAlister
Favors	McDonald
Gandy	Manning
Garland	Montgomery
Goodman	Murray
Hardeman	Sallas
Harris of Hill	Shell
Heflin	Vale
Hobbs	Winfree
Huddleston	

## Absent—Excused

Anderson	Mills
Dwyer	Sharpe
Kersey	Spangler
McNamara	Voigt

# TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

H. C. R. No. 128, To grant W. C. and B. H. Kulp permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted by the following vote:

Yeas—117	
Allen	Jones
Allison	Kelly
Alsup	Kennedy
Avant	Kinard
Bailey	Klingeman
Baker	Knight
Bell	Lansberry
Benton	Lehman
Blankenship	Leyendecker
Brawner	Little
Bray	Lock
Bruhl	Love
Bullock	Lowry
Bundy	Lucas
Burkett	Lyle
Burnaman	McCann
Carlton	McGlasson
Carrington	McMurry
Cato	Manford
Celaya	Manning
Chambers	Markle
Clark	Martin
Cleveland	Matthews
Coker	Moore
Colson, Mrs.	Morgan
Connelly	Morris
Craig	Morse
Crossley	Murray
Crothwait	Nicholson
Daniel	Pace
Davis	Parker
Deen	Pevhouse
Dickson of Bexar	Phillips
Donald	Price
Dove	Rampy
Duckett	Reed of Bowie
Ellis	Reed of Dallas
Ferguson	Ridgeway
Files	Rhodes
Fitzgerald	Roark
Fuchs	Roberts
Gilmer	Senterfitt
Goodman	Simpson
Hanna	Skiles
Hargis	Smith of Bastrop
Harris of Dallas	Smith of Atascosa
Hartzog	Stanford
Helpinstill	Stinson
Henderson	Stubbs
Hileman	Taylor
Hobbs	Thornton
Howard	Turner
Howington	Walters
Hoyo	Wattner
Huffman	Weatherford
Hughes	White
Humphrey	Whitesides
Hutchinson	Winfree
Isaacks	

Present—Not Voting

Favors Harris of Hill

Absent	
Bean	Heflin
Boone	Huddleston
Bridgers	King
Brown	McAlister
Dickson of Nolan	McDonald
Eubank	McLellan
Evans	Montgomery
Gandy	Sallas
Garland	Shell
Halsey	Spacek
Hardeman	Vale

Absent—Excused

Anderson	Mills
Dwyer	Sharpe
Kersey	Spangler
McNamara	Voigt

TO GRANT PERMISSION TO SUE  
THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

H. C. R. No. 130, To grant J. Clyde Cummings permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted by the following vote:

Yeas—121

Allen	Celaya
Allison	Chambers
Alsup	Clark
Avant	Cleveland
Bailey	Coker
Baker	Colson, Mrs.
Bell	Connelly
Benton	Craig
Blankenship	Crossley
Brawner	Crothwait
Bray	Daniel
Bridgers	Davis
Brown	Deen
Bruhl	Dickson of Bexar
Bullock	Donald
Burkett	Dove
Burnaman	Duckett
Carlton	Eubank
Carrington	Evans
Cato	Favors

Ferguson	Manning
Files	Markle
Fitzgerald	Martin
Fuchs	Matthews
Gilmer	Moore
Goodman	Morgan
Halsey	Morris
Hargis	Morse
Harris of Dallas	Murray
Helpinstill	Nicholson
Hileman	Pace
Hobbs	Parker
Howard	Pevehouse
Howington	Phillips
Hoyo	Price
Huffman	Rampy
Hughes	Reed of Bowie
Humphrey	Reed of Dallas
Hutchinson	Ridgeway
Isaacks	Rhodes
Jones	Roberts
Kelly	Senterfitt
Kennedy	Simpson
Kinard	Skiles
King	Smith of Bastrop
Klingeman	Smith of Atascosa
Knight	Spacek
Lansberry	Stanford
Lehman	Stinson
Leyendecker	Stubbs
Little	Taylor
Lock	Thornton
Love	Turner
Lucas	Vale
Lyle	Walters
McAlister	Wattner
McCann	Weatherford
McGlasson	White
McLellan	Whitesides
McMurry	Winfree
Manford	

Present—Not Voting

Harris of Hill

Absent

Bean	Heflin
Boone	Henderson
Bundy	Huddleston
Dickson of Nolan	Lowry
Ellis	McDonald
Gandy	Montgomery
Garland	Roark
Hanna	Sallas
Hardeman	Shell
Hartzog	

Absent—Excused

Anderson	Mills
Dwyer	Sharpe
Kersey	Spangler
McNamara	Voigt

# TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

H. C. R. No. 133, To grant W. L. Priddy permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted by the following vote:

Yeas—121

Allen	Fitzgerald
Allison	Fuchs
Alsup	Gilmer
Avant	Goodman
Bailey	Halsey
Baker	Hargis
Bell	Harris of Dallas
Benton	Helpinstill
Blankenship	Hileman
Brawner	Hobbs
Bray	Howard
Bridgers	Howington
Brown	Hoyo
Bruhl	Huffman
Bullock	Hughes
Burkett	Humphrey
Burnaman	Hutchinson
Carlton	Isaacks
Carrington	Jones
Cato	Kelly
Celaya	Kennedy
Chambers	Kinard
Clark	King
Cleveland	Klingeman
Coker	Knight
Colson, Mrs.	Lansberry
Connelly	Lehman
Craig	Leyendecker
Crossley	Little
Crosthwait	Lock
Daniel	Love
Davis	Lucas
Deen	Lyle
Dickson of Bexar	McAlister
Donald	McCann
Dove	McGlasson
Duckett	McLellan
Eubank	McMurry
Evans	Manford
Favors	Manning
Ferguson	Markle
Files	Martin

Matthews	Simpson	Yeas—121	
Moore	Skiles	Allen	Kelly
Morgan	Smith of Bastrop	Allison	Kennedy
Morris	Smith of Atascosa	Alsup	Kinard
Morse	Spacek	Avant	King
Murray	Stanford	Bailey	Klingeman
Nicholson	Stinson	Baker	Knight
Pace	Stubbs	Bell	Lansberry
Parker	Taylor	Benton	Lehman
Pevehouse	Thornton	Blankenship	Leyendecker
Phillips	Turner	Brawner	Little
Price	Vale	Bray	Lock
Rampy	Walters	Bridgers	Love
Reed of Bowie	Wattner	Brown	Lucas
Reed of Dallas	Weatherford	Bruhl	Lyle
Ridgeway	White	Bundy	McAlister
Rhodes	Whitesides	Burkett	McCann
Roberts	Winfree	Burnaman	McGlasson
Senterfitt		Carlton	McLellan
Present—Not Voting		Carrington	McMurry
Harris of Hill		Cato	Manford
Absent		Celaya	Manning
		Chambers	Markle
		Clark	Martin
		Cleveland	Matthews
		Coker	Moore
		Colson, Mrs.	Morgan
		Connelly	Morris
		Craig	Morse
		Crossley	Murray
		Crothwait	Nicholson
		Daniel	Pace
		Davis	Parker
		Deen	Pevehouse
		Dickson of Bexar	Phillips
		Donald	Price
		Dove	Rampy
		Duckett	Reed of Bowie
		Eubank	Reed of Dallas
		Evans	Ridgeway
		Favors	Rhodes
		Ferguson	Roberts
		Files	Senterfitt
		Fitzgerald	Simpson
		Fuchs	Skiles
		Gilmer	Smith of Bastrop
		Goodman	Smith of Atascosa
		Halsey	Spacek
		Hargis	Stanford
		Harris of Dallas	Stinson
		Helpinstill	Stubbs
		Hileman	Taylor
		Hobbs	Thornton
		Howard	Turner
		Howington	Vale
		Hoyo	Walters
		Huffman	Wattner
		Hughes	Weatherford
		Humphrey	White
		Hutchinson	Whitesides
		Isaacks	Winfree
		Jones	

Present—Not Voting

Harris of Hill

Absent

Bean	Heflin
Boone	Henderson
Bullock	Huddleston
Dickson of Nolan	Lowry
Ellis	McDonald
Gandy	Montgomery
Garland	Roark
Hanna	Sallas
Hardeman	Shell
Hartzog	

Absent—Excused

Anderson	Mills
Dwyer	Sharpe
Kersey	Spangler
McNamara	Voigt

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

H. C. R. No. 135, To grant Chadwick and Williams permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted by the following vote:

## Present—Not Voting

Harris of Hill

## Absent

Bean	Heflin
Boone	Henderson
Bundy	Huddleston
Dickson of Nolan	Lowry
Ellis	McDonald
Gandy	Montgomery
Garland	Roark
Hanna	Sallas
Hardeman	Shell
Hartzog	

## Absent—Excused

Anderson	Mills
Dwyer	Sharpe
Kersey	Spangler
McNamara	Voigt

## MESSAGE FROM THE SENATE

Austin, Texas, May 20, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 723, A bill to be entitled "An Act limiting the tax rate which may be levied in any independent school district situated in certain counties in this State; etc., and declaring an emergency."

H. B. No. 752, A bill to be entitled "An Act providing for the annexation of territory not embraced in a water improvement district; etc., and declaring an emergency."

H. B. No. 832, A bill to be entitled "An Act amending Article 2370, Revised Civil Statutes of Texas, 1925, by providing that the Commissioners Court in any county may, when necessary, furnish suitable quarters, other than the courthouse, for holding Court and carrying on other public business and may rent such part of any such quarters not necessary for public use; etc., and declaring an emergency." (With amendments.)

H. B. No. 876, A bill to be entitled "An Act repealing Article 500 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 877, A bill to be entitled "An Act repealing Article 501 of the

Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 342, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off certain bonds issued in the name of the Houston and Texas Central Railway Company and the Washington County Railroad Company; etc., and declaring an emergency."

H. B. No. 356, A bill to be entitled "An Act authorizing the Commissioners Court in certain counties to allow each County Commissioner certain expenses in connection with the performing of the duties as Road Commissioner in addition to the duties as County Commissioner; etc., and declaring an emergency."

H. B. No. 397, A bill to be entitled "An Act validating the order of the Commissioners Court of Bowie County, Texas, which required the County Tax Assessor and Collector to accept in full payment of all county taxes delinquent for the years 1932 and 1933, and due in 1934, the sum of Fifty (50) Cents on the dollar; etc., and declaring an emergency."

H. B. No. 476, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 35, Acts of the Fortieth Legislature, First Called Session, as amended by Chapter 28, Acts of the Forty-first Legislature, First Called Session; etc., and declaring an emergency."

H. B. No. 477, A bill to be entitled "An Act fixing the compensation for County Commissioners in certain counties; etc., and declaring an emergency."

H. B. No. 418, A bill to be entitled "An Act providing that in certain counties the Commissioners Court shall annually set aside from all other county funds the Road and Bridge Fund, which fund shall be budgeted; etc., and declaring an emergency."

H. B. No. 461, A bill to be entitled "An Act granting the Commissioners Courts of certain counties permission to pay out of the General Fund of said Counties bounties for the destruction of rattlesnakes and preda-

tory animals; and declaring an emergency."

H. B. No. 528, A bill to be entitled "An Act providing for compensation for County Auditor and Purchasing Agent in certain counties; etc., and declaring an emergency."

H. B. No. 608, A bill to be entitled "An Act amending H. B. No. 438, Acts of the Regular Session, Forty-sixth Legislature, 1939; etc., and declaring an emergency."

H. B. No. 622, A bill to be entitled "An Act providing the management and control of any municipal electric light, gas, water, or sewer system in certain cities; etc., and declaring an emergency."

H. B. No. 609, A bill to be entitled "An Act amending Senate Bill No. 367, Acts of the Forty-sixth Legislature, Regular Session 1939, by eliminating from the provisions thereof certain counties; etc., and declaring an emergency."

H. B. No. 351, A bill to be entitled "An Act amending Section 1 of H. B. No. 654, Acts, Regular Session, Forty-first Legislature, page 698; etc., and declaring an emergency." (With amendments.)

H. B. No. 633, A bill to be entitled "An Act amending Article 7212, Revised Civil Statutes of Texas, 1925, providing that when the Commissioners Courts of certain counties contract with an individual, firm, or corporation for the compilation of taxation data, the compensation of such individual, firm or corporation may be paid on a pro rata basis from each county fund benefiting by the receipt of any taxes derived from such valuation; and declaring an emergency."

H. B. No. 683, A bill to be entitled "An Act providing that it shall be unlawful for any person to kill, wound, shoot at, hurt or molest any wild animals, wild birds, or wild fowl found within the bounds of any public park under the control of the Texas State Parks Board, at any season of the year; etc., and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act amending Article 3955 and Article 3959, Title 63, of the Revised Civil Statutes of Texas of 1925, so

as to provide for fire escapes for schoolhouses of two or more stories in height; and declaring an emergency."

H. B. No. 732, A bill to be entitled "An Act to permit the County Board of School Trustees in certain counties to employ a rural school supervisor or supervisors to plan, outline, and supervise the work of the primary and intermediate grades of the rural schools of the counties; etc., and declaring an emergency."

H. B. No. 750, A bill to be entitled "An Act amending Chapter 39, Acts of the Forty-fourth Legislature, by adding thereto Section 3, providing that the authority conferred on the Court to alter, change, or supersede the provisions of judgments providing for the support of minor children and the authority conferred upon the court to enforce such judgments may be exercised by the Judge of said Court in vacation; and declaring an emergency."

H. B. No. 751, A bill to be entitled "An Act repealing H. B. No. 430, Acts of the Regular Session of the Forty-sixth Legislature; and declaring an emergency."

H. B. No. 878, A bill to be entitled "An Act amending Article 502 of the Revised Civil Statutes of Texas, 1925; providing the method of conversion of State banking corporations into national banking corporations; and validating purported conversions of national banking corporations under prior law; and declaring an emergency."

H. B. No. 879, A bill to be entitled "An Act to amend House Bill No. 546, Acts of the Fortieth Legislature, 1927, page 289, Chapter 202, Section 1, providing for the amendment of the charter of corporations organized under the provisions of Title 16, of the Revised Civil Statutes of Texas, 1925, for the purpose of increasing capital stock, to change name, to adopt trust powers and for any other lawful purpose; etc., and declaring an emergency."

H. B. No. 880, A bill to be entitled "An Act providing for the preservation of Bank Examiners' reports and correspondence files and for the preservation of the books, and declaring an emergency."

H. B. No. 889, A bill to be entitled "An Act authorizing the Commissioners Court in certain counties to allow each County Commissioner certain expenses for traveling in connection with the use of his automobile on official business; and declaring an emergency."

H. B. No. 952, A bill to be entitled "An Act providing for the use of certain set nets or gill nets in the waters of Montgomery County; and declaring an emergency."

H. B. No. 953, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 76, Senate Bill No. 103, page 202, General and Special Laws, etc., and declaring an emergency." (With amendments.)

H. B. No. 962, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas, for the use and benefit of John Tarleton Agricultural College, to construct and equip additions to not more than two dormitories, or to construct or acquire, and equip not more than two dormitories; etc., and declaring an emergency."

H. B. No. 973, A bill to be entitled "An Act authorizing the Commissioners Court of any County in this State to call an election for the purpose of issuing bonds or warrants for the purpose of acquiring tracts of land and constructing buildings and improvements thereon for an agricultural experiment station; etc., and declaring an emergency."

H. B. No. 34, A bill to be entitled "An Act to provide for the appointment of Commissioners to the National Conference of Commissioners on Uniform State Laws; etc., and declaring an emergency."

H. B. No. 139, A bill to be entitled "An Act validating all zoning ordinances and amendments thereto heretofore passed by the legislative bodies of cities and incorporated villages pursuant to Chapter 283, Acts of the Fortieth Legislature, and declaring such ordinances to be in full force and effect, in so far as the required procedure and public notices for the passage of such ordinances and the publication of such ordinances is concerned; etc., and declaring an emergency."

H. B. No. 153, A bill to be entitled "An Act regulating the possession of the carcass of deer or part of same; etc., and declaring an emergency."

H. B. No. 285, A bill to be entitled "An Act amending Section 9, Chapter 15, General Laws, Forty-first Legislature, Second Called Session to provide that any person violating any of the provisions of this Act may be prosecuted therefor in any county of this State where such violation occurs; and declaring an emergency."

H. B. No. 341, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off as worthless and uncollectible Two Hundred and Ninety-five Thousand, Eight Hundred Dollars, (\$295,800) in bonds issued by the Houston Tap and Brazoria Railway Company; etc., and declaring an emergency."

H. B. No. 1016, A bill to be entitled "An Act to amend Sections 1, 5, 6, 7, and 8 of the Senate Bill No. 47, Acts, Forty-fifth Legislature, Regular Session carrying into effect Section 46A of Article III of the Constitution of the State of Texas which established a Teacher Retirement System of Texas, etc., and declaring an emergency."

H. B. No. 1007, A bill to be entitled "An Act making it unlawful to kill quail in Roberts County, Texas; etc., and declaring an emergency."

H. B. No. 1010, A bill to be entitled "An Act amending Section 1 of House Bill No. 313, Acts of the Regular Session, Fortieth Legislature, 1927, to change and prescribe the time for holding the terms of District Courts in the 47th Judicial District; and declaring an emergency."

H. B. No. 1015, A bill to be entitled "An Act making it unlawful to hunt, kill, or pursue any wild deer, turkey, or antelope in Collingsworth County, Texas; and declaring an emergency."

H. B. No. 1018, A bill to be entitled "An Act applying only to independent school districts in counties having a population of not less than one thousand, eight hundred and forty-three (1,843) and not more

than one thousand, nine hundred and forty-three (1,943); etc., and declaring an emergency."

H. B. No. 1023, A bill to be entitled "An Act exempting Truscott Independent School District of Knox County from county supervision; etc., and declaring an emergency."

H. B. No. 1029, A bill to be entitled "An Act authorizing and empowering the Commissioners Court in counties having a population of more than three hundred and fifty thousand (350,000) and less than four hundred and fifty thousand (450,000) inhabitants, to purchase fire trucks and other fire-fighting equipment for the protection and preservation of bridges, warehouses, shops, and other property; etc., and declaring an emergency."

H. B. No. 1031, A bill to be entitled "An Act regulating fishing in Val Verde County; providing the gear or tackle that may be used; providing an open season; etc., and declaring an emergency."

H. B. No. 981, A bill to be entitled "An Act permitting estates of deceased Texas citizens, and others being administered within its jurisdiction, to take advantage of savings in federal income taxes, authorized under Section 162 of the Federal Internal Revenue Code, by providing that where the estate of a deceased person is being administered under the direction, control, and orders of any County Court; etc., and declaring an emergency."

H. B. No. 988, A bill to be entitled "An Act to fix a maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town, with a population of not fewer than six hundred and eighty (680) and not more than six hundred and ninety (690) inhabitants; etc., and declaring an emergency."

H. B. No. 993, A bill to be entitled "An Act to amend Title 5, Article 176, of the Revised Civil Statutes of the State of Texas, 1925, by adding a new Article to be designated as Article 176A; etc., and declaring an emergency."

H. B. No. 961, A bill to be entitled "An Act to create a more efficient

road system for Dallas County, Texas, for the maintenance of the public roads and highways other than duly designated State highways of Dallas County; etc., and declaring an emergency."

H. B. No. 994, A bill to be entitled "An Act authorizing the County Judges and County and District Clerks to employ a stenographer or a secretary in any counties having a population of not less than two thousand, eight hundred and twenty-five (2,825) and not more than two thousand, nine hundred (2,900); etc., and declaring an emergency."

H. B. No. 999, A bill to be entitled "An Act declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale in Nacogdoches and Houston Counties any wild fox or the pelts thereof; etc., and declaring an emergency."

H. B. No. 1008, A bill to be entitled "An Act relating to the payment to the County Judges in counties of not less than seven thousand and fifty (7,050) and not more than seven thousand and seventy-five (7,075) population; etc., and declaring an emergency." (With amendments.)

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### HOUSE JOINT RESOLUTION NO. 21 ON FINAL PASSAGE

The Speaker laid before the House, on its final passage,

H. J. R. No. 21, Proposing an amendment to the Constitution of the State of Texas providing for a Supreme Court of nine members, and for continuous session of that Court.

The resolution having heretofore been read third time on last May 13.

Question: Shall H. J. R. No. 21 be passed?

#### HOUSE BILL NO. 917 ON SECOND READING

Mr. McGlasson moved that the necessary Rules be suspended for the purpose of taking up and considering at this time House Bill No. 917.

The motion prevailed.



The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 917, A bill to be entitled "An Act prescribing the powers and duties of the State Board of Control with reference to the operation and maintenance of all State Eleemosynary Institutions, providing for the appointment of superintendents, medical directors, and storekeepers and accountants, prescribing their duties, and prescribing the method for removal of all officers and employees; repealing Articles 636, 637, 690, 691, 692, 693, 3175, 3176, 3184, 3190, 3207 3220, 3222, 3223, 3234, 3239, 3252, 3253, Section 6 of Article 3254a, 3255, Section 4 of Article 3259a, 5120, 5122 and 5133 of the Revised Civil Statutes of the State of Texas, Vernon's Annotated Edition, and all other laws or parts of laws in conflict herewith, and containing a saving clause and an emergency clause, and providing an effective date hereof."

The bill was read second time.

Mr. McGlasson offered the following committee amendment to the bill:

Amend House Bill No. 917 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. The Board of Control shall have the power:

(a) To make rules and regulations for the administration of all the affairs of all State eleemosynary institutions, not otherwise provided by law.

(b) To appoint all superintendents, and provide for the appointment of Medical Directors and Dieticians, and all other officers, agents, and employees of such institutions, and fix their salaries and wages; and the term of any office, agent, or employment of such institution shall be fixed for no definite term, and the office of any officer, agent or employee, may be terminated at any time by the Board of Control with or without cause and at no time shall the salary of any officer, agent, or employee be fixed for a greater amount than that set by the Legislature.

(c) To make all contracts and necessary arrangements for the erection of buildings or improvements upon the grounds of the institutions; and said Board of Control shall have the further power to make any other contract for the benefit of such institutions as they may deem beneficial.

(d) The Board of Control shall make periodical inspections of such eleemosynary institutions and shall examine and approve or disapprove the financial statements, vouchers or accounts, and shall direct the manner in which the revenue of each institution shall be disbursed.

(e) To take and hold in trust any gift or devise of real or personal property for the benefit of such institution and apply the same as the donor or deviser may direct;

(f) The Board of Control shall appoint a Chief of the eleemosynary division of the Board of Control, who shall have had not less than five (5) years experience, next preceding his appointment, in the care and the treatment of mentally ill persons, and shall have a general knowledge of hospital management.

Sec. 2. The superintendent of each institution shall be the business manager of each institution and shall have had practical business experience, and shall reside at the institution. He shall be a subordinate employee of the Board of Control, and shall be appointed for no definite time or term of office. Each superintendent, after employment, before entering upon and assuming the duties of said office, shall enter into a bond in the sum of ten thousand (\$10,000.00) dollars, payable to the State of Texas, such bond to be approved by the Attorney General, and the surety thereof shall be some solvent surety company authorized to do business in the State of Texas. Such bond shall be filed in the office of the Board of Control, and said bond shall provide for successive recoveries until the full amount thereof has been recovered.

Sec. 3. Each superintendent shall be the administrative head of the institution to which he is appointed. It shall be his duty to operate said institution in compliance with rules and regulations prescribed by the Board of Control.

Sec. 4. The Board of Control shall appoint for each hospital a medical director, who shall have had practical experience in the care and treatment of the type of persons in such hospital.

Sec. 5. The medical director shall be solely responsible for the care and treatment of the inmates of such institutions, and shall make recommendations to the superintendent on all discharges from such institutions, and his duties in no wise shall be administrative of the affairs of such institutions, nor conflict with the business management of such institutions.

Sec. 6. The Board of Control shall appoint an accountant, who shall, after appointment before entering upon and assuming the duties of the same, enter into a bond in the sum of ten thousand (\$10,000.00) dollars, payable to the State of Texas, such bond to be approved by the Attorney General and the surety thereof shall be some solvent surety company authorized to do business in the State of Texas. Such bond shall be filed in the office of the Board of Control, and said bond shall provide for successive recoveries until the full amount thereof has been recovered.

(a) Said storekeeper and accountant shall be appointed for no definite term, and shall be a subordinate employee of the Board of Control, and may be removed by the Board at any time with or without cause.

Sec. 7. Validity: If any section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this Act shall not be affected thereby, it being the intent of the Legislature in adopting, and of the Governor in approving this Act, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

Sec. 8. Repeal: All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 9. The fact that a necessity exists for a more business-like and efficient method in the management

and conduct of said institutions, and for a closer cooperation between the State Board of Control and the officers and employees of the several institutions, creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force on, from and after September 1, 1941, and it is so enacted.

(Mr. Harris of Dallas in the Chair.)

Mr. Carlton moved to postpone further consideration of House Bill No. 917 until 10:00 o'clock a. m. next Monday.

On motion of Mr. Ridgeway, the motion to postpone was tabled.

Mr. Bell moved that House Bill No. 917 be tabled.

The motion to table was lost.

Mr. Ridgeway offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 917 by adding a new section between Section 6 and Section 7 as follows:

"The superintendent of each institution shall weekly send to the State Treasurer, to be deposited in the General Fund, all monies collected by said institutions from paying patients or the sale of any of the property at said institution.

The amendment was adopted.

Mr. Alsup offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 917 by adding a period after the word "superintendent" in line 17 and striking out the words "and provide for the appointment of Medical Directors and Dietitians, and all other officers, agents, and employees of such institutions," and adding in lieu thereof the following:

"The superintendents of such institutions may hire Medical Directors and Dietitians and all other officers

and agents and employees of such institutions."

The amendment was adopted.

Mr. Alsup moved to reconsider the vote by which the above amendment by himself was adopted.

The motion to reconsider prevailed.

Question: Shall the amendment be adopted?

Mr. Alsup withdrew the amendment.

Mr. Alsup offered the following amendment to the committee amendment:

Amend committee substitute to House Bill No. 917 by striking out in lines 19 and 20 the words "and fix their salaries and wages."

The amendment was adopted.

Mr. Bundy moved the previous question on the committee amendment and the engrossment of House Bill No. 917, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—81

Allison	Ellis
Avant	Evans
Bailey	Ferguson
Baker	Files
Benton	Fitzgerald
Boone	Fuchs
Brown	Gandy
Bruhl	Goodman
Bundy	Halsey
Burkett	Hargis
Burnaman	Harris of Dallas
Cato	Helpinstill
Celaya	Henderson
Chambers	Hileman
Clark	Hobbs
Connelly	Howard
Crossley	Howington
Crosthwait	Hoyo
Deen	Huddleston
Donald	Huffman
Dove	Humphrey
Duckett	Hutchinson

Kennedy	Reed of Bowle
King	Ridgeway
Knight	Rhodes
Lock	Roark
Love	Roberts
McCann	Sallas
McMurry	Senterfitt
Manford	Simpson
Markle	Smith of Bastrop
Martin	Smith of Atascosa
Montgomery	Stanford
Moore	Stubbs
Morse	Turner
Murray	Vale
Nicholson	Weatherford
Pace	White
Parker	Whitesides
Pevehouse	Winfree
Rampy	

#### Nays—34

Alsup	Lansberry
Bell	Lehman
Bray	Leyendecker
Bridgers	Lowry
Carlton	Lyle
Cleveland	Manning
Coker	Matthews
Colson, Mrs.	Morgan
Craig	Morris
Daniel	Phillips
Dickson of Bexar	Skiles
Hanna	Spacek
Hardeman	Stinson
Hughes	Taylor
Jones	Thornton
Kelly	Walters
Klingeman	Wattner

#### Absent

Allen	Hartzog
Bean	Heflin
Blankenship	Isaacks
Brawner	Kinard
Bullock	Little
Carrington	Lucas
Davis	McAlister
Dickson of Nolan	McDonald
Eubank	McGlasson
Favors	McLellan
Garland	Price
Gilmer	Reed of Dallas
Harris of Hill	Shell

#### Absent—Excused

Anderson	Mills
Dwyer	Sharpe
Kersey	Spangler
McNamara	Voigt

Mr. Alsup (by unanimous consent) offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 917 by striking out the words "agents or employees" wherever they occur in Section 1-b.

The amendment was adopted.

Question recurring on the committee amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 917 was then passed to engrossment.

#### HOUSE BILL NO. 917 ON THIRD READING

Mr. McGlasson moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 917 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—111

Allen	Daniel
Allison	Davis
Alsup	Deen
Avant	Dickson of Bexar
Bailey	Donald
Baker	Dove
Bean	Duckett
Benton	Ellis
Boone	Eubank
Bray	Evans
Brown	Favors
Bruhl	Ferguson
Bullock	Files
Bundy	Fitzgerald
Burkett	Fuchs
Burnaman	Goodman
Carrington	Halsey
Cato	Hanna
Celaya	Harris of Hill
Chambers	Helpinstill
Clark	Henderson
Cleveland	Hileman
Coker	Hobbs
Connelly	Howard
Craig	Hoyo
Crossley	Huddleston
Crosthwait	Huffman

Hughes	Pace
Humphrey	Parker
Hutchinson	Pevehouse
Kennedy	Phillips
Kinard	Price
King	Rampy
Knight	Reed of Dallas
Lansberry	Ridgeway
Lehman	Rhodes
Leyendecker	Roark
Lock	Roberts
Love	Sallas
Lowry	Senterfitt
Lucas	Simpson
Lyle	Skiles
McAlister	Smith of Bastrop
McCann	Smith of Atascosa
McGlasson	Spacek
McMurry	Stubbs
Manford	Thornton
Manning	Turner
Markle	Vale
Martin	Walters
Montgomery	Watner
Moore	Weatherford
Morgan	White
Morris	Whitesides
Morse	Winfree
Murray	

#### Nays—13

Bell	Jones
Bridgers	Kelly
Carlton	Klingeman
Gilmer	Matthews
Hardeman	Reed of Bowie
Heflin	Stinson
Howington	

#### Absent

Blankenship	Isaacks
Brawner	Little
Colson, Mrs.	McDonald
Dickson of Nolan	McLellan
Gandy	Nicholson
Garland	Shell
Hargis	Stanford
Harris of Dallas	Taylor
Hartzog	

#### Absent—Excused

Anderson	Mills
Dwyer	Sharpe
Kersey	Spangler
McNamara	Voigt

The Chair then laid House Bill No. 917 before the House on third reading and final passage.

The bill was read third time.

(Speaker in the Chair.)

Mr. Lansberry moved to postpone further consideration of House Bill No. 917 until 10:00 o'clock a. m. next Tuesday.

The motion was lost.

House Bill No. 917 was then passed by the following vote:

Yeas—107

Allen	Huffman
Allison	Hughes
Avant	Humphrey
Bailey	Hutchinson
Baker	Kennedy
Bean	Kinard
Benton	King
Boone	Knight
Brawner	Lehman
Bray	Little
Brown	Lock
Bruhl	Love
Bullock	Lucas
Bundy	Lyle
Burkett	McAlister
Burnaman	McCann
Cato	McDonald
Chambers	McGlasson
Clark	McLellan
Cleveland	McMurry
Connelly	Manford
Craig	Markle
Crossley	Martin
Crosthwaite	Montgomery
Daniel	Moore
Davis	Morgan
Deen	Morse
Dickson of Bexar	Murray
Dickson of Nolan	Pace
Donald	Parker
Dove	Pevehouse
Duckett	Phillips
Ellis	Price
Eubank	Rampy
Evans	Ridgeway
Favors	Rhodes
Ferguson	Roark
Files	Roberts
Fitzgerald	Sallas
Fuchs	Senterfitt
Goodman	Simpson
Halsey	Smith of Bastrop
Hanna	Smith of Atascosa
Hargis	Spacek
Harris of Dallas	Stubbs
Harris of Hill	Taylor
Helpinstill	Thornton
Henderson	Turner
Hileman	Vale
Hobbs	Walters
Hoyo	Wattner
Huddleston	Weatherford

White  
Whitesides

Winfree

Nays—22

Alsup	Kelly
Bell	Klingeman
Blankenship	Lansberry
Bridgers	Lowry
Carlton	Matthews
Coker	Morris
Hardeman	Reed of Bowie
Heflin	Reed of Dallas
Howington	Skiles
Isaacks	Stanford
Jones	Stinson

Absent

Carrington	Hartzog
Celaya	Howard
Colson, Mrs.	Leyendecker
Gandy	Manning
Garland	Nicholson
Gilmer	Shell

Absent—Excused

Anderson	Mills
Dwyer	Sharpe
Kersey	Spangler
McNamara	Voigt

Mr. McGlasson moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

COMMUNICATION

The Speaker laid before the House and had read the following communication:

Houston, Texas, May 19, 1941.

Honorable Homer Leonard, Speaker of the House of Representatives, Austin, Texas.

Dear Sir: We, the undersigned brothers and sisters of Mrs. S. W. Billingsley, deceased, of Bastrop, Texas, who was affectionately known to all of her friends and acquaintances as "Cousin Mary," desire to extend to you, as one of the signers of the resolution of sympathy and respect which the House of Representatives of Texas so graciously passed, our sincere appreciation.

We appreciate the thoughtfulness shown and the honor bestowed upon our family.

Thanking you, and with assurance of our esteem, we are

Respectfully yours,

T. K. DIXON,  
S. F. DIXON,  
MRS. W. E. WARE.

#### MESSAGES FROM THE GOVERNOR

The Speaker laid before the House and had read the following messages from the Governor:

May 19th, 1941.

To the Members of the Forty-seventh Legislature:

There appears to be a "joker" in House Bill No. 8. It reads as follows:

"These allocations and appropriations to old age assistance, however, are conditioned that such are matched by the Federal Government and such sums not matched by the Federal Government (exclusive of that lawfully used for administration) are not appropriated for old age assistance and shall not be so expended but shall be paid into the General Revenue Fund of the State of Texas at the end of each fiscal year."

I think most people will agree that the Federal Social Security authorities already have a powerful weapon to enforce their rulings by having the right to cut off Federal contributions, but this "joker" automatically cuts off all State funds for old-age pension payments at the same time they cut off Federal old-age pension contributions. In my opinion, this surrenders more of our State's rights by giving the Federal Government the right to stop this State from paying out State money to our own people, as authorized by our State Constitutional Amendments and our State Statutes.

This provision might seriously jeopardize the welfare of our old age recipients and I recommend that it be corrected immediately.

Respectfully,

W. LEE O'DANIEL,  
Governor of Texas.

May 19, 1941.

To the Members of the Forty-seventh Legislature:

The fact that old age pension checks for May have been cut \$3.00 each, which makes each check short \$7.00 of the amount due recipients, and inasmuch as the House of Representatives tried to avoid this cut by passing an emergency appropriation bill and sending it to the Senate, I again recommend that this Forty-seventh Legislature take immediate action on this matter so that all old age recipients on the rolls may get an additional check this month to offset the cut. This will require quick action.

I also again recommend that this Forty-seventh Legislature make provision for paying all old-age recipients the full amounts due them during June, July and August of this year. It is assumed that the new tax bill recently enacted will take care of them beginning September 1, 1941.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

#### RELATIVE TO HOUSE BILL NO. 692

On motion of Mr. Daniel and by unanimous consent of the House, the caption of House Bill No. 692 was ordered amended to conform to all changes and with the body of the bill.

#### TO GRANT PERMISSION TO SUE THE STATE

Mr. Bell offered the following resolution:

H. C. R. No. 155, To grant John W. Hoch permission to sue the State.

Whereas, It is alleged that the State Highway Department of Texas did build and cause to be built by and through its duly authorized agents and representatives, and it is alleged that said Highway Department by and through its agents and employees did supervise the construction and building of State Highway No. 111, formerly No. 95, from Yoakum, Texas, to Hochheim, Texas, in DeWitt County, Texas; and

Whereas, It is alleged John W. Hoch has abutting property on said highway; and

Whereas, It is alleged that the said Highway Department did construct said Highway and particularly the bridge over McCoys Creek in such a way as to cause water to flow over inundate, and wash away certain lands belonging to said John W. Hoch; and

Whereas, It is alleged that said John W. Hoch has never been compensated by the State of Texas for said alleged damages; and

Whereas, It is alleged that in the construction of said Highway the State Highway Department caused a bridge to be built over said McCoys Creek which bridge was and is too small to pass the waters of said creek in times of rain, and that the mode and manner generally of the construction and maintenance of said Highway, said John W. Hoch has suffered and will suffer irreparable injuries unless he is permitted to sue the State of Texas and the State Highway Department for such damages; now, therefore, be it

Resolved By the House of Representatives, the Senate concurring, That the said John W. Hoch be and he is hereby granted permission to bring suit against the State of Texas and against the Highway Department of the State of Texas in any court of competent jurisdiction in DeWitt County, Texas, in order to determine what damages, if any, he is entitled to receive by reason of said alleged damages; and in case such suit be filed, service of citation or any other necessary process shall be had upon the Chairman of the State Highway Commission of Texas and the Attorney General of Texas, and that the same shall have the same force and effect as made and provided in civil cases, and that either of the parties to said suit shall have the right of appeal, and it is so resolved.

The resolution was read second time and was referred by the Speaker to the Committee on State Affairs.

#### MOTION TO PLACE HOUSE BILL NO. 628 ON SECOND READING

Mr Harris of Dallas, moved that the necessary rules be suspended, for

the purpose of taking up and considering, at this time,

H. B No. 628, A bill to be entitled "An Act to repeal House Bill No. 18, Chapter 400 of the General Laws of the 44th Legislature, First Called Session, and further described as Article 1111 d, Sections 1 to 11 inclusive, of the Penal Code providing for store licenses; and declaring an emergency."

The motion was lost.

#### MESSAGE FROM THE SENATE

Austin, Texas, May 20, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 85, A bill to be entitled "An Act to amend Article 4752, of Chapter 3, Title 78, of the Revised Statutes of 1925, relating to limited capital stock life, accident and health insurance companies, removing the restriction that such companies shall have power only to transact business within this State; and declaring an emergency."

S. B. No. 102, A bill to be entitled "An Act fixing a time within which any person having a claim against the State of Texas based on any disbursing order issue, prior to October, 1936, for general or transient relief purposes; etc., and declaring an emergency."

S. B. No. 222, A bill to be entitled "An Act amending Article 7331 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

S. B. No. 269, A bill to be entitled "An Act amending Articles 3927 and 3928, Revised Civil Statutes of 1925; providing for disposition of such fees; and declaring an emergency."

S. B. No. 271, A bill to be entitled "An Act declaring the members of the Army, Navy, or Marine Corps forces stationed in this State, so far as appertains to hunting and fishing, shall be given the same privileges as are given to residents of this State; and declaring an emergency."

S. B. No. 277, A bill to be entitled "An Act providing for preference of employment in all State Departments of this State of Widows and widowed mothers of soldiers, sailors, nurses and marines of the Army and Navy of the U. S. in the late Spanish American and Phillippine Insurrection Wars; etc., and declaring an emergency."

S. B. No. 297, A bill to be entitled "An Act to amend Article 883 of the Revised Civil Statutes of Texas 1925, relating to the limitation or restriction of the liability of railroads and other common carriers as it exists at common law etc., and declaring an emergency."

S. B. No. 354, A bill to be entitled "An Act to amend House Bill No. 205, Chapter 213, page 417, General and Special Laws, Acts of the 45th Legislature, Regular Session (1937), etc., pertaining to salaries of the County Board of School Trustees in certain counties; etc., and declaring an emergency."

S. B. No. 379, A bill to be entitled "An Act regulating commissions and renewal contracts of agents with Life Insurance Companies doing business in Texas whose books and records are not located in Texas; etc., and declaring an emergency."

S. B. No. 111, A bill to be entitled "An Act amending Article 7343, of the Revised Civil Statutes of Texas of 1925, permitting governing bodies of incorporated cities or towns to employ attorneys residing in adjacent counties in the collection of delinquent taxes, and repealing all laws and parts of laws in conflict herewith; etc., and declaring an emergency."

S. B. No. 227, A bill to be entitled "An Act repealing Articles 1322 and 1323 of the Penal Code of the State of Texas, Revision of 1925; prohibiting the wilfull and malicious burning, or aiding or abating or assisting or advising or encouraging in the burning, by any person of any insured personal property; etc., and declaring an emergency."

S. B. No. 316, A bill to be entitled "An Act amending Section 1, S. B. No. 192, Chapter 180, page 449, General Laws of the 39th Legislature, Regular Session, 1925 to provide

that any person who for four years or more has been the holder of a State First Grade Certificate or its equivalent shall be entitled to receive a State Permanent First Grade Certificate; etc., and declaring an emergency."

S. B. No. 115, A bill to be entitled "An Act making an appropriation of an amount necessary to pay the claim of the American National Bank, of Austin, Texas, a corporation, the sum of Eight Thousand Eight Hundred Sixty-one and 62/100; etc., and declaring an emergency."

S. B. No. 453, A bill to be entitled "An Act fixing the compensation of county officers in certain counties in the State of Texas; etc., and declaring an emergency."

S. B. No. 475, A bill to be entitled "An Act accepting title to and establishing King's State Park and setting up a Board of Commissioners to advise and assist the Board of Control in the improvement, care and preservation of said park; and declaring an emergency."

S. B. No. 155, A bill to be entitled "An Act enacting a new Article of the Penal Code of Texas to be known as Article 1391a, defining the offense of burglary of a motor vehicle; etc., and declaring an emergency."

Adopted

S. C. R. No. 62, Authorizing a Loan of Certain Highway Equipment.

Passed

S. B. No. 284, A bill to be entitled "An Act relating to taxes in Common and Independent School Districts; etc., and declaring an emergency."

S. B. No. 358, A bill to be entitled "An Act amending, Article 1041 Title 15, Code of Criminal Procedure, Revision of 1925, as amended by Senate Bill No. 101, Chapter 7, of the 45th Legislature, Regular Session, etc., and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were



laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 85, to the Committee on Insurance.

S. B. No. 102, to the Committee on State Affairs.

S. B. No. 222, to the Committee on State Affairs.

S. B. No. 269, to the Committee on Judiciary and Uniform State Laws.

S. B. No. 271, to the Committee on State Affairs.

S. B. No. 277, to the Committee on State Affairs.

S. B. No. 297, to the Committee on Common Carriers.

S. B. No. 354, to the Committee on Education.

S. B. No. 379, to the Committee on Insurance.

S. B. No. 111, to the Committee on Municipal and Private Corporations.

S. B. No. 227, to the Committee on Criminal Jurisprudence.

S. B. No. 316, to the Committee on Education.

S. B. No. 115, to the Committee on Appropriations.

S. B. No. 453, to the Committee on Counties.

S. B. No. 475, to the Committee on Public Lands and Buildings.

S. B. No. 155, to the Committee on Criminal Jurisprudence.

S. B. No. 284, to the Committee on School Districts.

S. B. No. 358, to the Committee on Counties.

#### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 262, "An Act authorizing the Commissioners' Court in all counties of this State to provide fire protection and fire fighting equipment for the citizens of the county outside of any city, town or village

therein, either by the purchase and maintenance by the county of the necessary equipment, or by entering into contracts with the governing body of cities, towns or villages located within the county for the use of the fire fighting equipment of the city, town or village; providing that the operation of any fire fighting equipment outside the city limits of any city, town or village, pursuant to contracts with the Commissioners' Court of the county, shall be considered as operations of the county, and all persons engaged in such operations, notwithstanding they may be employees of a city, town or village, shall be considered as agents for the county in all respects; and declaring an emergency."

H. B. No. 903, "An Act prescribing the manner of taking fish in Marshall Ford Lake in Burnet County and the Colorado River to the headwaters of Marble Falls Lake in Burnet County; prescribing a penalty for a violation of this Act; repealing all laws in conflict with this Act; and declaring an emergency."

H. B. No. 362, "An Act creating the Lavaca County Flood Control District in Lavaca County, Texas, and defining its powers; designating the Commissioners' Court as the governing body of such District and defining the powers of such Court in connection therewith; providing for the filing of a petition for the issuance of bonds, notice of hearing thereon, for an election therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, approval, and sale thereof; defining the duties of the various officials of Lavaca County; providing that State laws applicable to contracts and accounting for funds shall apply to such District; making the Act cumulative of other laws; providing for the use of public property by such District; granting the right of eminent domain; providing laws relating to assessing and collecting State and county current and delinquent taxes shall apply to said District; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not

be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 506, "An Act amending Section 12, Chapter 271, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

H. B. No. 828, "An Act amending Sections 3, 5, 6, 7 and 9 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, relative to the powers of the San Jacinto River Conservation and Reclamation District; providing for the appointment, terms, salary, rights, powers and duties of the Board of Directors of said district; fixing the boundaries and domicile of said district; declaring the recurrent floods in the valley of the San Jacinto River to be a public calamity; repealing Section 11 of said Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, together with all other laws and parts of laws in conflict with the provisions of this Act; providing a saving clause; and declaring an emergency."

H. B. No. 967, "An Act authorizing the allowance of traveling expenses for members of the Commissioners' Court in certain counties; and declaring an emergency."

H. C. R. No. 147, Authorizing certain corrections in House Bill No. 903.

H. C. R. No. 148, Inviting H. V. Kaltenborn to address a Joint Session of the Legislature.

H. C. R. No. 115, Relative to the construction of munitions plants in the Panhandle area of Texas.

#### HOUSE BILLS ON FIRST READING

The following House bills introduced today were laid before the House, read severally first time, and referred to the appropriate committee, as follows:

By Mr. Clark and Mr. Parker:

H. B. No. 1045, A bill to be entitled "An Act providing that it shall be unlawful to buy or sell any fish caught in Possum Kingdom Lake, located in Stephens, Palo Pinto and Young Counties or in any of the back waters; any person found guilty of

this Act shall be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00); and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Walters and Mr. Gandy:

H. B. No. 1046, A bill to be entitled "An Act to amend Section 1 of House Bill No. 808 of the Regular Session of the 42nd Legislature, Chapter 69, Special Laws, page 157, as amended by House Bill No. 327 of the Regular Session of the 43rd Legislature, Chapter 34, Special Laws, page 42, providing for the taking of catfish, perch, buffalo and drum in the waters of Delta, Hopkins and Franklin Counties, by hand or with a seine or net having meshes one (1) inch square; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Hardeman asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 1047.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Hardeman:

H. B. No. 1047, A bill to be entitled "An Act providing for the extension of the primary term of oil, gas or mineral leases heretofore or hereafter issued by the Commissioner of the General Land Office which lease has been, is, or which may hereafter become involved in litigation relating to its validity or to the authority of the Commissioner of the General Land Office to lease the land covered thereby, for a period of five (5) years; providing the terms and conditions upon which such lease may be extended; providing the time for the application for such extension; providing for the exploration and development of lands covered in the lease during the pendency of litigation, unless such exploration and development be enjoined by a court of competent jurisdiction without prejudice to the right of the owner of such

lease to recover his reasonable costs of such development and the exploration from the production from lands covered by the lease or from the proceeds of sale of production therefrom in case such litigation is finally adjudicated adversely to the owner of the lease; and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

Mr. Lehman asked unanimous consent to introduce at this time, and have placed on first reading, House Bill No. 1048

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Lehman, Mr. Turner, Mr. Bullock, Mr. Stanford, Mr. Connelly, Miss Files, Mrs. Colson and Mr. Kelley:

H. B. No. 1048, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund, or such other funds as may be designated for each item; and declaring an emergency."

Referred to the Committee on Claims and Accounts.

#### ADJOURNMENT

Mr. Bean moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Morgan moved that the House recess until 2:30 o'clock p. m., today.

Mr. Montgomery moved that the House recess until 3:00 o'clock p. m., today.

The motion of Mr. Bean prevailed and the House accordingly at 12:40 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills and resolution, as follows:

Insurance: Senate Bill No. 93.

School Districts: House Bills Nos. 502 and 1040.

Judiciary and Uniform State Laws: House Bills Nos. 977 and 1027.

Appropriations: Senate Bill No. 115.

State Affairs: Senate Bill No. 5; Senate Concurrent Resolution No. 59.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 152, Suspending the Constitutional Rule on House Bill No. 76.

Has carefully compared same and finds it correctly engrossed.

SMITH of Bastrop, Vice Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 151, Inviting the Honorable Claude Pepper to address a Joint Session.

Has carefully compared same and finds it correctly engrossed.

SMITH of Bastrop, Vice Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 495, "An Act granting permission to E. B. Rodriguez to bring suit against the State of Texas and/or Highway Department, in a court of competent jurisdiction, in Frio County, Texas, for damages for personal injuries received by him while on duty in the employ of the Highway Department of the State of Texas; providing the usual rules of law and procedure to apply and that

no admission of liability of the State of Texas is made by this bill, and the facts as set out herein must be proved in court; providing that process in such suit may be served upon the Governor of Texas and the Attorney General of Texas; providing that if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 967, "An Act authorizing the allowance of traveling expenses for members of the Commissioners Court in certain counties; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 411, "An Act providing that any sheriff or deputy sheriff who in the fulfillment of the duties of his office leaves the county in which he holds office to secure and return a prisoner indicted for a criminal offense of the grade of a felony shall be entitled to receive five cents (5c) per mile for transportation, and that the distance traveled shall be the shortest practicable route between points; provided further that such sheriff or deputy sheriff shall receive a per diem sum not to exceed Five Dollars (\$5) per day for meals and lodging; provided that the State Comptroller is authorized and directed to pay such expense items when a duly certified record thereof shall have been approved by the District Judge in and for the county in which said sheriff or deputy sheriff holds office; provided that not more than one (1) person may claim mileage for any

one (1) trip and not more than two (2) persons may claim per diem meal and lodging expense for any one (1) trip; provided that in case the State Comptroller declares no State funds available for such purpose, the Commissioners Court of the county in which said sheriff or deputy sheriff holds office may pay such traveling expense at the discretion of the court; provided that if the county in which said sheriff or deputy sheriff holds office is on a fee basis and no State funds are available, the Commissioners Court may, at its discretion, pay such traveling expense; provided that such traveling expense shall be regarded as expenses of the office of sheriff and shall not be included as compensation for such sheriff or deputy sheriff; providing that provisions of this Act are severable, and that if any portion of the Act is declared invalid, the remainder shall not be affected thereby; providing that this Act shall not supersede any existing law providing for reimbursement for traveling expense, but is cumulative of all such Acts; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 362, "An Act creating the Lavaca County Flood Control District in Lavaca County, Texas; creating the Jackson County Flood Control District in Jackson County, Texas; creating the Fayette County Flood Control District in Fayette County, Texas; creating the Colorado County Flood Control District in Colorado County, Texas; and defining their powers; designating the Commissioners Courts as the governing bodies of such Districts and defining the powers of such Courts in connection therewith; providing for the filing of petitions for the issuance of bonds, notices of hearing thereon, for elections therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the is-

suance, registration, approval, and sale thereof; defining the duties of the various officials of Lavaca, Jackson, Fayette, and Colorado Counties; providing that State laws applicable to contracts and accounting for funds shall apply to such Districts; making the Act cumulative of other laws; providing for the use of public property by such Districts; granting the right of eminent domain; providing laws relating to assessing and collecting State and County current and delinquent taxes shall apply to said Districts; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 828, "An Act amending Sections 3, 5, 6, 7, and 9 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, relative to the powers of the San Jacinto River Conservation and Reclamation District; providing for the appointment, term, salary, rights, powers, and duties of the Board of Directors of said District; fixing the boundaries and domicile of said District; declaring the recurrent floods in the valley of the San Jacinto River to be a public calamity; repealing Section 11 of said Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, together with all other laws and parts of laws in conflict with the provisions of this Act; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 262, "An Act authorizing the Commissioners Court in all counties of this State to provide fire protection and fire fighting equipment for the citizens of the county outside of any city, town, or village therein, either by the purchase and maintenance by the county of the necessary equipment, or by entering into contracts with the governing body of cities, towns, or villages located within the county and/or adjoining counties for the use of the fire fighting equipment of the city, town or village; providing that the operation of any fire fighting equipment outside the city limits of any city, town, or village, pursuant to contracts with the Commissioners Court of the county, shall be considered as operations of the county, and all persons engaged in such operations, notwithstanding they may be employees of a city, town, or village, shall be considered as agents for the county in all respects; providing purchase of fire fighting equipment must be authorized by election; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 148, Inviting H. V. Kaltenborn to address a Joint Session of the Legislature.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 147, Authorizing the Enrolling Clerk to make certain changes in House Bill No. 903.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 115, Requesting the serious consideration of the Under-Secretary of War and the Office of Production Management, Washington, D. C., as to the wonderful possibilities the Texas Panhandle offers for the erection and construction of munitions plants.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 549, "An Act making specific appropriation out of the State Highway Fund in the State Treasury, not otherwise appropriated, to pay a judgment obtained by W. S. Hale and wife, Mary D. Hale, against the State of Texas under the authority of Senate Bill No. 197, Chapter 72, Special Laws of the Regular Session of the Forty-second Legislature, authorizing the said W. S. Hale and wife to sue the State of Texas for the recovery of damages resulting from overflow of their lands arising out of the construction of temporary dumps or roadbeds by the State through its Highway Department; directing the Comptroller of the State of Texas to issue warrant on the State Treasury in favor of W. S. Hale and wife in the sum of the judgment rendered by the Supreme Court of Texas in the suit of W. S. Hale and wife against the State of Texas brought under the authority of Senate Bill No. 197; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1014, "An Act to validate all ad valorem tax levies heretofore made by certain cities and towns in certain counties in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective cities and towns to make such levies by ordinance, or other procedural defect in levying and assessing taxes; providing the Act shall not affect suits pending for collection of taxes or other purposes; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 19, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 506, "An Act amending Section 12, Chapter 271, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

#### SENT TO THE GOVERNOR

May 20, 1941

House Bill No. 305

House Bill No. 1014

House Bill No. 854

House Bill No. 218

House Concurrent Resolution No. 89.

**In Memory of**  
**Mrs. Charles N. Shaver**

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The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 61, In Memory of Mrs. Charles N. Shaver.

Whereas, On the 13th day of May, 1941, the Great Architect of the Universe called to rest from her earthly labors, Mrs. Charles N. Shaver, the beloved wife of the Honorable C. N. Shaver, a former Member of the House of Representatives, former Superintendent of Public Instruction and now the honored President of Sam Houston State Teachers College; and

Whereas, Mrs. Shaver was born in Brazoria County, Texas, on November 12, 1885, the daughter of Mr. and Mrs. Erin Bryan, later moving to Giddings, Lee County, Texas, where she was married to Mr. C. N. Shaver on July 6, 1909; and

Whereas, Mrs. Shaver was the great-granddaughter of Moses Austin, the father of our own Stephen F. Austin; and

Whereas, The said Mrs. Charles N. Shaver was an active member of the Methodist Church, and of the Daughters of the Republic of Texas; and

Whereas, Mrs. Shaver was an outstanding educational, social, patriotic and civic leader, and in the passing of this lovable and distinguished lady her community has suffered the loss of a beautiful and shining character, a faithful, true and loyal citizen and friend; and

Whereas, Mrs. Shaver exemplified the greatness of her character in true realm—her home—she having been a splendid wife and wonderful mother; now, therefore, be it

Resolved, That the Senate of Texas, the House of Representatives concurring, acknowledge with deep regret the passing of this fine lady, and that a copy of this resolution be spread upon the memorial pages of the Senate and House Journals of the day, as a token of the love and esteem in which she was held; and be it further

Resolved, That the Secretary of the Senate and the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under their respective seals, and that when the Senate and the House of Representatives adjourn today, they do so in silent tribute to Mrs. C. N. Shaver whose name shall live long in the affection of her friends and sorrowing family.

FAIN,  
AIKIN.

Signed—Stevenson, Lieutenant Governor; Beck, Brownlee, Chadick, Cotten, Formby, Graves, Hazlewood, Hill, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore,

Ramsey, Shivers, Smith, Spears, Stone, Sulak, Van Zandt, Vick, Weinert, Winfield and York.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Manning, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.